

RESOLUTION NO. -3647

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY STERLING DESIGN GROUP, FILE NUMBER VC-90-138.

WHEREAS, the City has received an application filed by Sterling Design Group to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number _____, the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with the law; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street to be vacated, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows

Section 1 The Findings, Conclusions, and Recommendations of the Department of Planning and Community Development contained in File Number VC-90-138 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 of this resolution, the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this resolution if within 90 days of the date of passage of this resolution the applicant or other person meets the following conditions:

- (a) Pays to the City \$2,040 00 as compensation for vacating this portion of the right-of-way.
- (b) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows.

COMMENCING at the point of intersection of the Westerly right-of-way margin of 106TH AVENUE NE, and the Northerly right-of-way margin of said NE 58TH STREET, said point being the Southeast corner of Lot 6, Block 3, Plat of BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIV. NO. 7, as recorded in Volume 19 of Plats, page 70, records of said county; thence S 89°28'05" W along said Northerly margin a distance of 42.95 feet to the POINT OF BEGINNING of the NE 58TH STREET vacation; thence continuing S 89°28'05" W along said Northerly margin a distance of 135.91 feet to an angle point on said Northerly margin, said point being the Southwest corner of said Lot 6, thence S 00°37'35" E along said Northerly margin a distance of 10.00 feet to an angle point on said Northerly margin, said point being the Southeast corner of Lot 1, Plat of FINKBEINER ADDITION TO KIRKLAND as recorded in Volume 99 of Plats, pages 59 and 60, records of said county, thence N 85°15'34" E a distance of 136 26 feet to the POINT OF BEGINNING.

The above described parcel contains 680 square feet, more or less.

Section 5. The Director of the Department of Planning and Community Development shall send a copy of this resolution and the Notice of Decision to the applicant for this proposed vacation within five (5) work days of the date of passage of this resolution.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following

- (a) Applicant
- (b) Department of Planning and Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Works Department of the City of Kirkland
- (e) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council on the 15th day of JANUARY, 1991

SIGNED IN AUTHENTICATION THEREOF on the 15TH day of JANUARY, 1991.

Candy Barton
Mayor

ATTEST

[Signature]
City Clerk

RES-3642 DEC/JD rk